

**MINUTES**  
**KITTY HAWK TOWN COUNCIL**  
**Tuesday, September 3, 2013**  
**Kitty Hawk Town Hall, 6:00 PM**

Agenda

1. Call to Order
2. Moment of Silence/Pledge of Allegiance
3. Approval of Agenda
4. Presentations:
  - Police Officer II Bryan Tyler, 5 years of service
  - Beach Management Concept Assessment by Coastal Planning & Engineering of North Carolina, Inc.
5. Public Comment
6. Consent Agenda
  - a.) Approval of August 5, 2013 Council Minutes
  - b.) Revenues and Expenses Report for July 2013
  - c.) Law Enforcement Liaison Grant (Region 1)
  - d.) Request from Police Department for Capital Expenditure
  - e.) Request from Fire Department for Capital Expenditure
  - f.) FY 13-14 Budget Amendment #1
7. Items Removed from the Consent Agenda
8. Public Hearing:
  - a.) Zoning Amendment: Application to rezone a portion of the property at 108 Ascension Drive from Beach Commercial (BC-1) to Beach Residential (BR-1). Presently, the property is split-zoned: a portion of the property is zoned Beach Residential (BR-1) and the remaining portion is zoned Beach Commercial (BC-1).
9. Planning:
  - a.) Site Plan Review: Application to construct a second floor addition to the existing Coldwell-Banker Seaside Realty building at 4900 N. Croatan Highway. The proposed addition over the northern portion of the building would expand the existing building by approximately 1,510 square feet for a total of 7,800 square feet of office space on site.
  - b.) Call for Public Hearing. Text Amendment: Application to update the standards of Sections 42-69 through 42-74 (dealing with the Board of Adjustment, appeals, and variances) to comply with the recently adopted N.C. Session Law 2013-126, *An Act to Clarify and Modernize Statutes Regarding Zoning Boards of Adjustment*. A public hearing is requested to be scheduled for the October 7, 2013 Town Council meeting.
10. New Business
  - a.) Approval of Bid for Hawks Street Floodwater Management System
  - b.) FY 13-14 Budget Amendment #2 for the Hawks Street Floodwater Management System
11. Reports or General Comments from the Town Manager
  - a.) Clean Water Management Trust Fund Grant Application
  - b.) Compliment to Police Department
  - c.) Compliments to Public Works Department

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- d.) Compliment to the Planning Department
- e.) Status of Establishing Municipal Service Districts and Beach Nourishment
- 12. Reports or General Comments from Town Attorney
- 13. Reports or General Comments from Town Council
- 14. Public Comment
- 15. Adjourn

**COUNCIL MEMBERS PRESENT:**

Mayor Clifton Perry, Mayor Pro Tem Gary Perry, Councilwoman Emilie Klutz and Councilman Richard Reid

**COUNCIL MEMBER ABSENT:** Councilman Ervin Bateman

**STAFF MEMBERS PRESENT:**

Town Manager John Stockton, Town Clerk Lynn Morris, Town Attorney Steve Michael, Finance Officer Charlene Allen, Planning Director Joe Heard, Police Chief Joel Johnson, Fire Chief Lowell Spivey and Public Works Director Willie Midgett

**1. CALL TO ORDER**

Mayor Perry called this meeting to order at 6 p.m.

**2. MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE**

Following a moment of silence the Pledge of Allegiance was recited.

**3. APPROVAL OF AGENDA**

Mayor Pro Tem Perry moved to approve the agenda as promulgated. Councilwoman Klutz seconded the motion and it passed unanimously, 4-0.

**4. PRESENTATIONS:**

- **Police Officer II Bryan Tyler, 5 years of service** – Police Chief Joel Johnson recognized Officer Tyler for five years of dedicated service to the town.
- **Beach Management Concept Assessment by Coastal Planning & Engineering of North Carolina, Inc.** – Mr. Ken Willson provided a PowerPoint presentation. (Attachment 1)

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**Willson:** *I appreciate the opportunity to come here and go over the report with you and answer any questions you might have. I want to give a little background on the federal project so we are all on the same page as far as the terms we are using. We will also go over a couple of local project alternatives we looked into and we will talk a little about the possible sand sources that you might use in a potential project. That plays a big role in the cost of these projects as far as are we getting sand way off of Nags Head or is the sand source directly off shore of Kitty Hawk. We will provide a brief overview of the permitting and the environmental documentation required to move forward with one of these projects and we will certainly get into the cost estimates. We will talk about the schedule and a little about the benefits of regional coordination. I am sure you are aware that the Town of Kill Devil Hills and the Town of Duck are both moving forward on beach nourishment projects and some of the pros and cons of moving forward at this point in time and possible cost savings associated with that. Then we will wrap it up with a brief summary.*

*This is a slide (#3) we use a lot of times to help educate the public, let people understand more about what a beach nourishment project is and the concepts we are talking about. When a beach nourishment project is first put in there is a large amount of sand placed ... and we have several different aspects of the beach when it is first constructed. We have what we call the design beach which is this wedge and a lot of times the design beach, such as the federal project, will also have a dune aspect to it as well. The design beach is basically what the engineers say you need to have in front of your houses and in front of the existing beach to give you a certain level of protection. Even after the sand starts washing away and 5 years goes by before you have to put more sand on the beach, in theory, you would never lose that design. Think of it as sort of resetting the base line. So you have this design beach, you have the second portion here and then you have this other portion that very soon after construction is going to migrate off shore and nourish the off shore portion of the project. The sand that was originally placed here, and looked like it had created a very wide beach some of that sand has migrated off shore and is now nourishing the outer portion of the profile.*

*After the Nags Head project was constructed we were following it. We were not the firm that was helping Nags Head but we were following the press and there was a lot of discussion after the storm how the beach had disappeared. This is what basically happened. This portion of sand that was placed there by design was for it to move off shore and renourish the off shore portion of the profile. That is basically what would have happened. Then this middle wedge of sand on this diagram is what is called advance fill. We engineer the beach to put enough material out there in front of your design and after we see this portion of the sand moving off shore then you have enough sand on top of your design to basically last you five to seven, to ten years, whatever the design interval is. In this slide it says "loss of advance fill in five to ten years" that goes away*

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*but after that five to ten years you still have that design that is providing you the level of protection you paid for. At that point in time it is time to do a renourishment. The dredge comes back and you will see it only replacing this portion of the material so a renourishment event is significantly less than the initial construction of the project. You are not putting the same amount of sand as that first event. And then again that front portion migrates off shore and then you have some period of time where the advance fill is eroding away. That is kind of the nuts and bolts of what a beach nourishment project is.*

*Now to go over the **Federal Project**. As you know the feasibility study was completed in 2000. There were basically two components of the federal project. The south project basically covers Nags Head and then the north project is 4.1 miles along the Kitty Hawk and Kill Devil Hills shoreline. There were borrow areas identified for that project as shown on this map (slide #5). The red portion of the yellow bar is basically the portion that is included in the Town of Kitty Hawk. You will also notice there is a large portion of the town that was not included in the federal project and the reason is that for the federal government to spend money on a project they go through a very rigorous process to prove what the cost benefit ratio is of a project and basically the story is that the density of development in this northern portion of the town would not justify a federal participation. That is why the initial design left out that portion of the Town of Kitty Hawk.*

*While we have this map up I want to talk briefly about borrow areas. This is the main borrow area for both the southern project and the northern project. There was a borrow area designed off of the Town of Kitty Hawk and off of Kill Devil Hills but further evaluation from the Corps of Engineers showed that that material is less favorable than the material down here in S1. Even though it is further away the quality of this material would allow you to pump less material to build. Basically to get the same bang for your buck you would have to use less material from this site than you would here. That is basically because there is a lot of fines in the northern borrow area and as you are pumping that sand onto the beach a lot of the fine grain material is running out into the water and you are losing a lot of material. The federal project would likely use this material from the borrow area off of Nags Head if they were to build this northern project.*

*(Slide #7) The Kitty Hawk main fill is from milepost 4.3 which is Kitty Hawk Road down to the southern town limit, a little over 5,000 feet, and then there is a 3,000 foot taper. It goes from a full filled section tapering down to nothing. The taper section would end about 500 feet south of Historic Street. That is basically the footprint of what would be called the federal project if you were looking at the portion within Kitty Hawk. These are the main fill portions for both Kill Devil Hills and Kitty Hawk and then you have the 3,000 foot tapers on either side where the fill basically tapers into the shoreline.*



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(Slide #8) *This slide shows a cross section of what the federal project design was. That will be important because that is kind of the upper limit of what we present as an alternative in our study. The NED plan, National Economic Development Plan, calls for a 25 foot wide dune which would be constructed at a 12 foot elevation. Then it would slope down and you would have a 50 foot wide beach. If you think back to the other slide I just showed, this portion here is all the extra fill they would place that would migrate off shore and it would be your advanced fill. So the design is a 50 foot wide beach in front of this design dune. What we mean by a NED plan is as the Corps is going through these alternatives the plan basically is the one they can justify ... the most economic benefit. It is not necessarily the cheapest project but it is the one that shows the largest benefit and that is what we mean by the NED plan. For every linear foot of project that is constructed along a town, it takes 151.9 cubic yards per linear foot. That is the placement rate for the federal project.*

(Slide #9) *Now we will get into the local project alternatives and how we developed the alternatives. The focus of this study was to give you all information to help you make some decisions and we wanted to try to get through the study in a decent amount of time because we are sensitive to trying to catch the town up to some of the efforts that are going on with Kill Devil Hills and the Town of Duck. In doing so we took a lot of the engineering analysis that had been done by the Corps of Engineers and we also looked at some of the erosion rates that had been documented by the State of North Carolina. We looked at those as far as an engineering consideration and then we also want to consider our financial considerations as well. We are looking at a range of cost and that is how we summed everything up in the end.*

*We also want to focus on a project that would cover the town's entire 3.5 miles of oceanfront shoreline and not just the footprint of the federal project. The focus of these alternatives are to provide storm damage reductions to public infrastructure including NC 12 and many of the cross streets that go from 158 to NC 12. Any public utilities that could be taken out if the roads and dunes are taken out. I know you just finished a study looking at the flooding in the town and certainly that is something beach nourishment could help out with in reducing the frequency of overwash and flooding events. Obviously some of the flooding is from rainfall and drainage but certainly the portion of flooding that occurs because of overwash you would expect to get a reduction in the amount of flooding of the interior portions of the town including NC 12 and Highway 158. And finally it would also provide some storm damage reduction to private properties east of Highway 158.*

*We are primarily looking at two town-wide alternatives. The first we call an **Erosion Mitigation Project** which looks at extending the existing shoreline 40 feet out. The design of the project would be a 40 foot wide beach in front of what you have today and then we would place five*

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*years of advance fill on top of that. That is similar in scale and design of what the Nags Head project is. The second alternative would be a more robust project. Comparable to what was looked at by the federal government. A storm damage reduction project where we have both a larger fill and a dune design.*

*(Slide #10) The Erosion Mitigation Project is a town wide project, 3.5 miles long. It would extend the shoreline 40 feet and have 5 years of advance fill on top of the design beach. The total volume is about 1.4 million cubic yards of material and the fill density would be about 74.9 cubic yards per linear foot. That is about half of what we are talking about for the federal project. It is in the ball park for the average fill density that they did along Nags Head. There was quite a range between what they placed at South Nags Head and up in the northern portion but on average they placed pretty close to 70 to 75 cubic yards a linear foot.*

*What that would look like, going back to the same sort of schematic, the dredge comes in, we have the design beach of 40 feet and once the project was constructed this portion would move off shore to renourish the off shore portion in the profile. And basically after 5 years this advance fill would be washed away and at that point in time you would come back and replace the sand you have lost. Every 5 years would be your renourishment cycle.*

*(Slide #12) The **Storm Damage Reduction Project** is more comparable to the federal project. It is town wide with construction of a 25 foot wide dune at elevation plus 12 feet. We would also construct a 50 foot wide berm in front of that dune at elevation 6 feet which is pretty much where your dry beach is now. Since the fill density is twice the volume it is basically two times ... so we are in the neighborhood of 2.8 million cubic yards of material required to construct this project.*

*(Slide #13) We have gone to a little different diagram. This will be comparative to what we showed in the cross section of the Corps project. Right after the project the beach would look about 175 feet wider and you would also have this dune constructed in front of what is there now. Over time that sand would start moving off shore and this is basically what you would be left with after the 5 year period. You would have a 50 foot wide berm and a 25 foot wide and 12 foot high dune that would slope all the way down to the off shore portion of the profile. And then at a 5 year interval you would come back and renourish the project.*

*(Slide #14) I mentioned the S1 borrow area. The blue line highlights the town limits of Kitty Hawk and S1 is down here off of the Town of Nags Head. Originally they had estimated about 70 million cubic yards of sand for that borrow area and they used about 5 for the Nags Head project so there is plenty of sand left. One of the things our firm is under contract to do right now for the Towns of Kill Devil Hills and Duck are to look at Area 1 and Area 5. There is some USGS data that exists for these areas that suggests there may be compatible sand in these two areas. If*

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*we were to identify that compatible sand just the difference in distance from these two borrow areas to a project in Kill Devil Hills or in Duck would reduce the cost of the project significantly. If the weather holds up this week and into the weekend we are going to have divers out in the water looking and taking samples and try to determine whether it warrants further investigation or whether we should concentrate our borrow area efforts in the S1 area that is sort of a known quantity based on the Corps of Engineers research.*

*(Slide #15) This slide goes over some of the permitting and environmental documentation required. As a part of the contract we had an inter-agency meeting in Washington, North Carolina in June and it was very well attended. Town Manager Stockton was there and there were representative from the towns of Kill Devil Hills and Duck. It was a good forum to discuss possibilities of cost sharing and how we might be able to combine efforts and not recreate the wheel on some of these environmental documents. One thing to note for permitting a project like this is it would require both a state major CAMA permit and a federal permit that the Army Corps of Engineers would issue. There are also a number of approvals that we would need to get from state and federal agencies. Then there are three main documents we would have to develop which are an Environmental Assessment (EA), an Essential Fish Habitat Assessment (EFH) and a Biological Assessment (BA).*

*(Slide #16) We have broken down the cost estimates into two primary tasks. The first is the design and permitting. This is the phase that Kill Devil Hills and Duck are in now. In order to get through the design and permitting phase we have listed the tasks here based on some of the tasks that are required for the other two towns. The engineering analysis and beach profile surveys would be conducted, geotechnical and geophysical analysis ... we would have to go out there and run some geophysical surveys in the borrow areas and take vibracores in the borrow areas. That environmental documentation I just mentioned and then filing the permit applications. I have this quote from the report and it says based on similar projects completed in the State of North Carolina the estimated cost for design and permitting phase could range between \$550,000 and \$1.12 million. We have sort of gotten a green light on this environmental assessment being required for the environmental documentation. They could elevate that after we finish the environmental assessment requiring an environmental impact statement which could drive the cost a little higher. Plus the level of investigation that is needed in the off shore area right now ... until we finish this survey that we might be doing later in the week it is tough to put an exact figure on what that is going to look like. How many vibracores will be needed, how big of a survey area, we will have to look at. That is why we have this large range.*

*These two areas are highlighted because there is a possibility for cost sharing. All of the work that would be required in the off shore area, the geophysical surveys, the vibracore surveys, as*

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*well as the development of these environmental documents, there is a good chance we could cost share some of those efforts with the other two towns. Right now the Town of Kill Devil Hills and Duck are cost sharing some of their efforts associated with the environmental documentation. They are not yet under contract for these tasks until we finish this re-con survey that I mentioned we may be doing later in the week.*

*(Slide #17) We have \$1.12 million for design and permitting. Remember that is the upper range of the numbers that we just listed here so we have mobilization and de-mobilization ... let me back up here for a second. There are four different columns. If we were to use Borrow Area 1, which is one of those areas that we will be doing the reconnaissance survey for off of Kill Devil Hills and Kitty Hawk, you will see at the bottom those costs are comparatively less than the other two columns. The difference is the borrow area is much closer than the area that is right off of Kill Devil Hills and Kitty Hawk. The second two columns assume we are going to use the borrow area off of Nags Head and then we further split up those two options. Borrow Area 1 and Borrow Area S1 which is the area off of Nags Head and then between the two different types of projects. We looked at the Erosion Mitigation Project, just widening the beach by 40 feet, and then the Storm Damage Reduction Project which is about twice the volume and includes the dune and a little bit wider beach. So we really have four different cost estimates. As we go down on the left we have mobilization costs, fill placement costs, we have added a 15% contingency to that and we have also provided estimates for some of the pre-construction services and during construction services. When we get down to the final, the Erosion Mitigation Project, depending on the borrow area, it is between \$16.8 million and \$19.9 million. For the Storm Damage Reduction Projects it is anywhere from \$28.3 million to \$34.4 million. Those numbers were sort of given as bookends. The smallest project we feel comfortable that would be effective all the way up to what the Corps had designed and further evaluation would certainly be warranted to try to zone in on the most feasible option there.*

*(Slide #18) With regards to regional co-ordination I have already talked a little about some of the cost saving opportunities, and now to put some numbers on it. The environmental documentation we have estimated between \$25,000 to \$40,000 savings if we could move into the process and kind of synchronize this project with what is going on in Kill Devil Hills and Duck. The sand search investigations, again depending on how big the survey area is, could range from tens of thousands to even greater than \$100,000. You could see some cost savings for beach profile surveys and then construction. We have that question or it could be millions of dollars. We have run through some simulations and hypothetical scenarios for the county whose working on some cost models right now for how they would provide funding to the three towns. We did a project that looked at placing about a 100 cubic yards a linear foot and I think if we were to build that project along the Town of Kitty Hawk the difference between Kitty Hawk building it on*



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*its own and building it in tandem with the Towns of Duck and Kill Devil Hills was about \$2.5 million dollars. Again, that is a hypothetical but it seems to be sort of in the range of what we are talking about. That was for 100 cubic yards a linear foot and we are talking anywhere from 75 to 150 cubic yards a linear foot. That is kind of what could be realized by trying to join up the projects.*

*As a credit to John, he brought to my attention that the Bureau of Ocean Energy Management (BOEM) was looking into doing some regional reconnaissance surveys off of the coast of North Carolina which is associated with funding they received in the aftermath of Hurricane Sandy. We started having conversations with some of the folks and in the end the word from BOEM was that in-kind services ... we could try to go through the process but it would be unlikely they would give those services because we would be looking at a very detailed analysis of a very specific site and they would be looking at a very wide space. Reconnaissance level studies of a much larger area. We have provided a copy of that email. It is certainly something we can chase down a little more but BOEM was not very warm and fuzzy about the possibility.*

*(Slide #19) As far as a time schedule I guess the take home is we are looking at the possibility of the earliest possible start of construction sometime around the end of 2015. We have updated some schedules recently for the Town of Duck and the Town of Kill Devil Hills which suggests that construction could potentially start as early as August 2015 but I think that is a pretty aggressive timeframe. I think as far as managing expectations I think 2016 is a very safe bet as far as what it is going to take to move these projects through. Some of these items could be condensed a little but as far as ... if we were to try to move in tandem or even move on your own schedule I think ... we have kind of a starting point of right now of September and we are talking the end of 2015. If you delay ... if you were to add six months just add six months on the back end and that would stay fairly linear.*

*(Slide #20) In summary, the permitting and design costs somewhere between \$550,000 to \$1.2 million and that process would take approximately 16 months. The initial construction could be anywhere from \$15.2 million dollars and \$32.8 million depending on the fill densities and the different borrow areas that might be used. Construction estimated for 2016 and a potential for cost savings through coordination of efforts is very promising. With that I will be happy to take any questions.*

**Klutz:** *The only questions I had were based on the minutes of the meeting in Washington. I never could get from the discussion whether or not that Environmental Assessment was really going to satisfy the requirement. One guy said you have to write it as though you are going to incorporate some environmental impact statement requirements. Then there were a whole lot of acronyms. I had no idea what they were.*



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**Willson:** *I have to check but the take home there is our environmental assessment documents, as far as the thickness and the content, is probably going to look a lot like an Environmental Impact Statement. The difference is there are more triggers and commenting periods and there are more agencies that would get to comment and have oversight in the process. When you go through the environmental impact statement process ... if you can move through the EA it is basically a smaller, shorter time period, if you will. But I suspect the same level of information would probably go into both documents. I think that is basically what he was referring to. This EA may be the same size as an EIS but if we can avoid some of the additional commenting periods and points of the process then we can speed the process up a little.*

**Klutz:** *And they seemed to believe it was possible for us to do that?*

**Willson:** *That is right.*

**Klutz:** *I got the impression that Nags Head actually had to do an Environmental Impact Study.*

**Willson:** *They did go through an EIS and most of the projects we have worked on in North Carolina have gone through an EIS. It is getting to the point now though ... I guess in the beginning, maybe the late '90's and early 2000's, there were a couple of projects built that did not turn out very well. They really started clamping down and everything after that had to do an EIS. But now the agencies have seen the same information and the same impacts over and over and they are more comfortable with the situation. For some areas where you have existing data, especially for this project and Kill Devil Hills, where the Corps has already written an EIS on a very similar project we have ... we can use the environmental information that Nags Head developed and the environmental information the Corps developed and this is all very relevant to a project in Kill Devil Hills or Kitty Hawk or even Duck. The agencies have seemed to agree and we are going to move forward with the EA process. It is the Corps' decision and they could say we have to write an EIS and we would have to package that all into a different document but everybody is saying all of the right things at this point in time to suggest it is probably reasonable to move forward in the EA direction.*

**Klutz:** *About the cost sharing with Duck and Kill Devil Hills. In the document it stated Kitty Hawk would have to get on board with this quickly, like tonight or certainly in the month of September. If it turns out it is just not possible, laws of physics or some of the requirements the town has, what is the chance we could still get some benefit from the engineering and permitting.*

**Willson:** *I think the engineering will be pretty unique to each of the specific projects. There is probably some possibility of sharing environmental documentation ... \$25 to \$40 thousand dollars cost sharing because a lot of it is taking background information that is going to go into all three of these reports. We figured out how much it would take to develop that background information and how much is actual town specific information and we came up with one number for the background information and said Kill Devil Hills could pay for it or both Kill Devil Hills and Duck could pay for it or if Kitty Hawk is on board all three could pay for it. That is how we*

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*are doing the background and that would probably still stand even if you pushed it to beyond Christmas.*

*The bigger ticket item up front would be the geophysical and geotechnical surveys because it is going to require us to mobilize some pretty big crews and big boats and get some off shore work in. I suspect the other two towns are probably going to start doing that work sometime in November or December even though that is probably not the time to be working up here. I suspect we will be looking at weather windows in the winter to try to do some of that work and if you all cannot make a decision until after that work is through then you would be on your own. Basically paying for the mobilization of those crews to come in to the area and do that work.*

*I do not think a decision needs to be made by September now that we are looking at these schedules. It seems more and more unlikely that 2015 is realistic and the construction will probably occur in 2016. We have some months to play with in the schedule but the real kicker is how soon they are going to be ready to move forward with that off shore geophysical work. As I said I think that is probably going to start sometime in November so I think you have more than a couple of weeks and by Christmas it may be we have to reset the clock.*

**Klutz:** *The only other thing is the statement regarding the need for storm damage reduction for utilities, the highway and the public infrastructure being the real or the highest priority for the Town of Kitty Hawk. Thank you for making the changes in your presentation but also the assessment document is probably going to have some distribution and I think there are at least three instances of revision that would be required. Is that something that you can kind of handle very quickly?*

**Willson:** *Yes. Absolutely.*

**Klutz:** *Thank you.*

**MPT Perry:** *I have some questions. And as you know our editor in chief has brought us up to date.*

**Willson:** *It is always nice to know somebody reads your work.*

**MPT Perry:** *Would you go back to the slide of potential borrow areas? The areas off Kitty Hawk you are looking at most seriously are in federal waters.*

**Willson:** *That is correct.*

**MPT Perry:** *As opposed to N1 which I presume means North Borrow 1 and is in state waters.*

**Willson:** *Right.*

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**MPT Perry:** *The report says it is fine and when you look on the beaches of Kitty Hawk everything is kind of heavy sand gravel. It makes you wonder. If you go off shore into federal waters does that complicate things whereas staying on the inside of the three mile limit would be less costly, less complications?*

**Willson:** *It does. That is one of the main driving forces we had at the meeting in Washington because we really wanted to get a better understanding of the goal and process and I think we do have a little better understanding. I can say our environmental folks have already begun the process of starting to coordinate efforts with Kill Devil Hills. We have been very pleased with the back and forth. They are very forthcoming and there seems to be one more review process. The fact that the borrow area will be in federal waters, that final review ... there is some question as to whether or not the National Marine Fisheries serves as ... may drag on that final assessment a little bit longer than some of the projects where we have seen them in state waters. That is kind of a wild card right now. We have about 6 months built into our schedule for once we complete all of the documents and submit them as final and they are published in the Federal Registry for all the agencies to look at. And BOEM is kind of saying that some of these projects where they look at off shore sand could potentially go beyond those 6 months. Again, we have some time built into the schedule to deal with it. To this point in time that is really only the added level of coordination we have seen. There are a few extra data reporting requirements for when you are actually collecting data in the federal waters. We have to apply for certain permits but I mean they are fairly negligible efforts when you are looking at \$550,000 to a million dollars in services. It could be a time thing probably more than a cost thing and as we get further down the road I think it is something to consider when we look at the difference between costs of going down to that area in Nags Head and trying to develop one of the borrow areas that is closer.*

**MPT Perry:** *All right. The information on N1 is kind of old information. Will there be a second quick look just to confirm that?*

**Willson:** *It is old information. When I showed the profile where the sand kind of migrates out to the off shore that N1 would be far enough beyond that that it is really not in the active area so N1 is probably about a mile off shore. You would not expect that material to change a lot. We have certainly looked through the data that was provided to us by the Corps of Engineers and agree with their assessment that the material is pretty fine. The mean grain size is significantly finer than the coarser stuff that you mentioned is on the beach out here. When we first started working with Kill Devil Hills we did an analysis to see what would be the best borrow area. We were shocked to find that out because the material in S1 is so much more compatible. It is so much coarser than the area in N1 and it would literally be cheaper to pump basically half the material that would be required if they used N1. And we can justify it would be a cheaper project bringing sand from S1 than to use the sand that is right off shore. We have looked at it a fair amount and are pretty comfortable that it really is pretty fine sand. We see other vibracores ... the black dots on this map are other vibracores that have been taken and what you see is anywhere where there is not some kind of a bathometric high like this area inside of 1 or even this kind of ridge that runs through 5. Anywhere that it is just kind of bare earth sub straight out*

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*there it is pretty fine material and does not take long to get down into real muddy material that you would not want to put on the beach.*

**MPT Perry:** *All of your figures are based on summer pumping not winter?*

**Willson:** *Right. Most of the recent estimates we have done we calibrated the cost estimating program with the information we received from the Nags Head project and some things they have done recently in Virginia Beach. They are looking at pretty much summertime dredging.*

**MPT Perry:** *Would you go back to the basic fill and sacrificial fill slide please. From what I have read in the information both you have provided and other information I have been able to come up with it looks like the state in general and maybe the federal are looking at 5 year windows as a renourishment cycle rather than something longer term is that correct?*

**Willson:** *Are you are talking about things like the Beach Inlet Management plan and things like that?*

**MPT Perry:** *Yes.*

**Willson:** *I think they would probably leave that up to the engineer. I mean you certainly want to look for the longest interval possible. If you have to do something every 5 years to your house it would be better to have to do it only every 10 years, especially if the cost were about the same. The problem you get into here is you could put more advanced fill on top of the beach but the more you build out that beach and you create kind of an artificial bulge on a straight shoreline Mother Nature wants to straighten that shoreline. You could put a 600 foot wide beach out there but that sand is going to erode so fast you could not justify putting that much sand out there. It is a diminishing return at some point in time and it is a balancing act of the engineer. It will be designed for one thing but in reality it will be a kind of wait and see type of thing like Nags Head. Right now they are talking about when they will have to renourish. Will it be in 2016? Maybe but maybe they do not have to do it until 2017 or 2018. It is monitored every year.*

**MPT Perry:** *And from what I gather if you want FEMA to come in and renourish at some point you have to have a plan documented that you are going to do renourishment at a certain interval. Otherwise you are on your own. Is that correct?*

**Willson:** *That is correct. If your renourishment interval is 5 years or so and you had a storm that came through 2 years into the process and it took all of your advanced fill away and even destroyed some of your design you could apply to FEMA at that point in time and let them know what was there before the storm and they can reimburse you for the amount to put it back the way it was before the storm.*

**MPT Perry:** *And that plan would be part of what you design for the town?*



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**Willson:** *That is correct. Some of our clients have asked for a specific plan and once we get finished with all of the permitting it would be updated every year as you do beach profiles.*

**MPT Perry:** *Okay. Easements. I am not aware of any easements north of Kitty Hawk Road. Is part of what you do or is that a separate issue?*

**Willson:** *We usually do not get into the easements. An attorney would help out with that portion. We have had a lot of discussions with some of the folks in Kill Devil Hills and even some of the folks in Nags Head to try to figure out what was done. I think for the Town of Nags Head the county actually assigned someone. It was established for the federal project so the town was able, in most cases, to use the easement that was established for the federal project but you bring up a good point. Only a portion of Kitty Hawk is within the federal projects so that would have to be looked into.*

**MPT Perry:** *Environmental monitoring. And when I say environmental I am not talking about the washing away of the advanced fill and those sorts of things. I am talking about when, what do they call them, benthic organisms? Is that something that is almost a guarantee for perpetuity and how long would that last? Do you have a basis to know what they require?*

**Willson:** *Yes. I mean we know what they required for the Town of Nags Head. Again, it is one of those things where the more projects we build ... and the agencies up here do not like to hear about what Florida has done for 30 years and know the answer and they say well this is North Carolina we need to do it up here. But it is almost getting to the point where we have done it for long enough in North Carolina and so a lot of our focus is to do the literature review to look at what has been done to look at what trends have been established. Nags Head has been doing a lot of monitoring. It would be very hard for somebody to argue that the environment in Kitty Hawk is different than the environment in Nags Head so we would hope we would be able to use as much data as possible to minimize the amount of monitoring. That said, if something unforeseen comes up, if close by there is an off shore borrow area, there are rock out crops or we find something that is of specific environmental concern, there is always the chance we would have to do some monitoring for that but as far as digging up a sandy borrow area and placing it on the beach most of those affects are pretty well documented. We would hope we would be able to minimize that and that is why we put sort of a relatively small number in the report from \$100,000 to \$500,000 because we are hoping we can minimize any monitoring that is going to be required. Plus any monitoring required for one of these projects will likely be required for all three so if there is borrow monitoring hopefully that can be cost shared with the other communities.*

**MPT Perry:** *It is interesting that we can beach push without monitoring but if we put sand on the beach we have to monitor it. Kind of makes you wonder about which way we are going. I think you have answered most of my questions and most of them were put to you for the benefit of the audience so we could better understand what is going on. I appreciate your explaining part of it is going to wash away and we have to keep that in mind. The two other points I want the*



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*audience to fully understand is the Erosion Mitigation versus the Storm Damage Reduction. The two are very much linked and they both apply to us in the Town of Kitty Hawk as far as trying to mitigate damage to everything east of 158. That is what this project is about. This is needs based. We are not necessarily trying to save a house on the ocean. We are trying to save much, much more than that and that is an important component to anything you have addressed. That is what this council is concerned about for our citizens. Please keep that in the back of your mind.*

**Willson:** *Will do.*

**MPT Perry:** *I thank you very much. It is a good presentation. I hope the audience has learned something. I have certainly learned a lot about it and we will keep looking for money. That is all we can do.*

**Mayor Perry:** *The timeline. If you are looking at a summer timeline you are probably looking at the summer of 2016?*

**Willson:** *That is correct.*

**Mayor Perry:** *Of actually nourishing?*

**Willson:** *That is correct. Some of the schedules we recently developed for the other two towns may be putting out bids as early as the summer of 2015 and we would have to take a look at the status of each of three beaches and is everybody in agreement that we can wait one more hurricane season or can we wait one more winter season. If there was a reason we could put a timeframe on the dredgers and tell them we have to have this done by Christmas or something ... the more of a window you can give the dredgers the better the price most of the time. You get a better price if you allow them to leave if something came up while they were building the project and go off somewhere else and make a bunch of money and then come back and finish the project. They like that flexibility. Whereas if you say it has to be built in four months and they know it is going to take three months they cannot leave. They have to stay concentrated on that work and they cannot look at any other projects. I think it would be very favorable to get the bid out at the end of or towards the end of the summer 2015 and tell the dredgers they have 13 or 14 months to build this project. They build it when they think they can make the most money off of it. That should get you the best price rather than telling them there is a three month window to build.*

**Mayor Perry:** *It would be stretching it trying to do it in the wintertime or storm season?*

**Willson:** *That is kind of what Nags Head ran into. The dredgers basically said if they were restricted to only the winter nobody would bid it or it would be cost prohibitive.*

**Klutz:** *Didn't Nags Head have to get a special permit though for the turtles and all of that? Is it a problem?*

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**Willson:** *That is right. We have had a lot of those discussions with the agencies even before this June meeting. We had a meeting last year I think with Kill Devil Hills and we brought up that issue and they said we were going to have to go through a process. Even going through the EA they thought we could make the same case as Nags Head. They had to do a lot of monitoring while they were doing the project. We will use the same mitigating protocol. If we have to trawl in front of the dredge that is what we will do and it worked very effectively for Nags Head so why can't it be used in this project.*

**Reid:** *You are saying after you get into this project it is recurring, theoretically every 5 years. The diagram with a cross section ... you said the sand ends up from the upper part to the lower part. When you start renourishing in 5 years would you dredge the sand from the lower part or would you go back to the original place where you got the sand?*

**Willson:** *Usually when you are looking at a borrow area you would cut off the area you would look at. You would not look any shallower than this area here because you basically would be robbing Peter to pay Paul. You would not want to take any of the sand that is already placed out there because that is part of the new profile. If you take the sand away then something from up here needs to replace that sand so you would always be looking further off shore than whatever you are calling your depth of closure and in this diagram it is about the minus 20 foot contour. Wherever the engineers say, they call it the depth of closure, which is basically the point off shore where sand does not normally move off shore or on shore. We would want to stay beyond that depth deeper than that depth to design a borrow area.*

**Mayor Perry:** *The sand that goes off shore would decrease the amount of roughness on the shore itself I would think ... the break. The sea would be shallower so you would have less wash on your beach with the sand that went off shore.*

**Willson:** *That is right. Mother Nature wants this profile to look like this for whatever reason. It is mostly driven by the wave climate. If you have a whole bunch of sand up here but none out here, Mother Nature is going to want to re-distribute it to make sure the outer profile, this line, basically looks the same as it did before you put that profile in. But you are right in the sense that a lot of people look at this dune as the storm damage reduction but all this sand you are putting out in front of the dune is going to trip those waves up before they ever hit your dunes. So the whole design is part of reducing the damage from a storm. It is not just the dune.*

**Mayor Perry:** *The off shore sand is really what we are missing.*

**Willson:** *The whole profile has probably eroded back. We are trying to not only replace the sand that people sit on but also the off shore portion of the profile. We have to replace all of it.*

**Mayor Perry:** *Thank you. It was very good and hopefully we will be talking with you soon.*

**Willson:** *Thank you.*

**5. PUBLIC COMMENT:**

There were no public comments.

**6. CONSENT AGENDA:** Items on the Consent Agenda are considered to be non-controversial, routine in nature or items not requiring a presentation to or discussion by the Town Council in order to consider the item(s). Any item may be removed for discussion by council or by any member of the audience who wants to hear the item presented and discussed.

**a.) Approval of August 5, 2013 Council Minutes.** *(An affirmative vote for the consent agenda will approve these minutes.)*

**b.) Revenues and Expenses Report for July 2013.** *(An affirmative vote for the consent agenda will acknowledge this report.)*

**c.) Law Enforcement Liaison Grant (Region 1)** – This grant is a “no match” grant from the Governor’s Highway Safety Program to assist the Department’s GHSP liaison, Sgt. Brian Strickland, with travel for all meetings and seminars. The remainder of the monies will be used to purchase approved traffic safety equipment. The grant amount is \$20,000.00. *(An affirmative vote of the Consent Agenda will approve this grant.)*

**d.) Request from Police Department for Capital Expenditure.** This request is to replace a 2004 Chevrolet Blazer with 103,202 miles. The new vehicle is a 2012 Jeep Grand Cherokee with 24,248 miles. The purchase price is \$23,400. *(An affirmative vote for the consent agenda will approve this request.)*

**e.) Request from Fire Department for Capital Expenditure.** Recently the Fire Chief was in an accident and the vehicle was totaled. This request is to purchase a 2014 Ford Expedition under state contract for a price of \$27,640. Outfitting the truck with lights and striping brings the total to \$30,140. A payment of \$8,525 from the town’s insurance company for the loss of the totaled vehicle will reduce the cost of the new vehicle to \$21,615. *(An affirmative vote for the consent agenda will approve this request.)*

**f.) FY 13-14 Budget Amendment #1.** This amendment will appropriate insurance reimbursement funds and fund balance to purchase a replacement vehicle for the fire department. It is contingent upon the above request for a vehicle and will not be approved if the fire vehicle is not approved. *(An affirmative vote for the consent agenda will approve this amendment.)*

**Councilwoman Klutz made a motion to approve the consent agenda. The motion was seconded by MPT Perry and it passed unanimously, 4-0.**

**7. ITEMS REMOVED FROM THE CONSENT AGENDA:**

There were no items removed from the consent agenda.

**8. PUBLIC HEARING:**

Councilwoman Klutz made a motion, seconded by MPT Perry, to go into public hearing. It passed unanimously, 4-0.

**a.) Zoning Amendment: Application to rezone a portion of the property at 108 Ascension Drive from Beach Commercial (BC-1) to Beach Residential (BR-1). Presently, the property is split-zoned: a portion of the property is zoned Beach Residential (BR-1) and the remaining portion is zoned Beach Commercial (BC-1).**

*Heard: This is a proposal to rezone a portion of the property at 108 Ascension Drive from the BC-1 district to the BR-1 district. The property is outlined in red on the zoning map and shows the extent of the commercial area along Croatan Highway. Croatan is the large grey road at the bottom and the remaining area in the white or light grey is the residential zoning.*

*I want to point out this is something council will probably see more of in the future. This rezoning application is not a specific request from a property owner although the property owner has expressed his support of it. This is part of a larger effort by the town to clarify the zoning map by looking at district boundaries particularly areas where there are split zoned properties like this. For a variety of reasons split zoned parcels often carry challenges with them for development. How they develop in the future. In doing this the town approached the property owner and discussed the matter and explained why there was an interest in clarifying the zoning. The property owner expressed support for the rezoning to change his property to be entirely residential instead of split zoned.*

*The property is .4 acres in size, almost 17,600 square feet, and at the original time of writing this application it was undeveloped. Subsequently the property owner has applied for and obtained a building permit and begun construction of a single family residence on the property. You can see where it begins and how it proceeds diagonally across the subject property. The commercial portion is to the east of the residential. The house being built presently straddles the zoning line. There are properties immediately to the west and all are part of a larger neighborhood on Ascension Drive. This is part of the Kitty Dunes Heights subdivision which was one of the first subdivisions that was ever developed in the town back in 1981.*

*The property directly to the east in the blue area is zoned entirely beach commercial and is presently undeveloped. The property located across the street just south on Ascension is also*

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*zoned commercially and presently undeveloped. As a landmark, for those who are not familiar with the area, Sweet Frog is on the corner. There is commercial development along the properties that front it and there are two other parcels located behind the commercial properties along Croatan Highway.*

*In looking at the two districts I want to give a general idea of what this rezoning would mean. The beach commercial district allows a variety of residential and institutional uses and also office and commercial uses. This is the predominate commercial district up and down Croatan Highway. The proposed zoning, beach residential, is mainly a single family residential district. It does allow a few associated uses such as churches and schools. It is probably unlikely on a property of this size but it would allow that type of use.*

*I usually end with the recommendation of the planning board but I would like to touch on it and then go back to another point. The planning board evaluated this application at their meeting on July 11<sup>th</sup> and following their analysis of it the board voted unanimously to recommend approval to the council of this proposal to rezone the property to fully beach residential, BR-1. Board members noted the proposed rezoning is consistent with the town's Land Use Plan.*

*On the map is the subject property. Along with the adjoining property to the east, which is zoned commercial, both of those under the future Land Use Map are designated for residential use as well as the commercial property across the way. The board also noted the zoning would correct and clarify the zoning of a split zoned property and that most of the surrounding properties were zoned and used residentially.*

*Subsequently to that planning board meeting, within the past couple of weeks, staff has been made aware of a contract entered into on the commercial property to the east at 106 Ascension Drive. The property is under contract with the intent of developing a commercial use on the property, specifically a law office. One of the issues, and there was not much discussion of it at the planning board meeting because it had not been identified at the time, was the fact that in the town's zoning ordinance there is a requirement for commercial development on commercial properties in the BC-1 district there must be a 50' wide buffer. And the building and parking spaces cannot be located within that buffer. The dashed line, a very light grey, shows the existing zoning line and right now the 50' buffer would be measured off of that line. The buffer would not even go over on that property and the only area where it does is this dashed line in the southwest corner of the property. A little triangle is where the buffer would be presently.*

*The folks who have a contract on the property worked with a local engineer who quickly drafted a fairly typical site plan. It is not a site plan proposal or anything for review at this point but typical of a development proposal. This red line shows where the buffer would be should the*



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*subject property at 108 Ascension be rezoned. In other words it would slide that line over and the ramifications of that is the building and parking area would have to be to the east of the line over on this side. I appreciate them giving us a visual that really helps us analyze the ramifications.*

*You will note they have laid out the parking area. This would be permitted on the east side and the way the driveway comes in can go in the buffer area so it does not render the property undevelopable but it does place some limitations on how it can be laid out and configured. There are probably some limitations on the size of what could be developed, the scale of development you could expect on that property. Since this is a new item that came up I wanted to bring it to the council's attention. At this point that completes my presentation and I would be glad to answer any questions.*

**Mayor Perry:** *Go back to the lot that is outlined in red. The residential lot. It appears the lot has been platted since the subdivision was put in. The lot to the west looks like a portion of it was taken out and it is not the original plat.*

**Heard:** *That is correct. The owner of the property who owned the subject property at 108 Ascension and what we are calling 106 Ascension, the adjoining lot to the east, the same individual owned both of those parcels and he did an exempt plat. He took 20' from the lot to the east and added it to the lot to the west to make that a little larger, giving it a more typical residential building footprint. It was a fairly narrow lot prior to that. It is correct that originally this diagonal line began at one corner of the property and ran to the other corner of the property. It split it 50/50 but now it has been moved over a little into the commercial area.*

**Mayor Perry:** *But previously it was not in the commercial area? The lot to the west?*

**Heard:** *Yes. It was split. You can see the dashed line that was the original boundary for this property and it was split exactly in half in a diagonal manner. Commercial and residential so it has always been, since the creation of this lot, it has always been split zoned. Recently they moved this line over to make it more commercial.*

**MPT Perry:** *What happened to the original residential lot?*

**Heard:** *It is still a part of this property at 108 ...*

**MPT Perry:** *But the part that is not a part of it. Is that still a separate lot? Able to be built on?*

**Heard:** *That is a residential lot and is in the same ... that was developed as a residential lot at the time all of this came here. This is the original configuration of that lot and it was developed residentially and has had a residence on it so the addition was only on the east side of this*

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*property. The western boundary did not change. Actually the northern and southern boundaries were simply extended again about 20' to the east.*

**Mayor Perry:** Any other questions of Joe while he is up here? Is there anyone signed up to speak?

**1. Jack Neighbors, 3620 N. Croatan Highway, Kitty Hawk, NC:** *I owned 108 Ascension Drive until three or four months ago when the current owner purchased it from me. He knew full well where the zoning line was and purchased it anyway. Matter of fact I had the survey done that was used to demonstrate this. I own 106 Ascension Drive and moving that zoning line would render my lot next to unsellable and certainly devalue it greatly. And as we can see from the size of the building that law firm is going to build they simply would not be able to use it so I ask for your consideration.*

**2. Laura Meads, 4275 Worthington Lane, Kitty Hawk, NC:** *I am Laura Meads and one of the attorneys that put in the offer on 108 and now have a contract. Our position on this is we were not aware this was going on with 106 when we put in the offer to purchase 108 and we had Quible do a feasibility sketch for us of what can be done on it. Along with Jeannine Evans we want to put a law firm on it, a building we own, and can run our practice from. We are currently renting and we want to be in Kitty Hawk and the lot is perfect for us. We felt fortunate to find it.*

*We had the feasibility sketch done and it came back serving our purpose. We knew we could do what we wanted to do. Mr. Rubino from Quible said the only concern we might have is that because of the split zoning on the one lot and the zoning of 108 make sure there is nothing out there that we do not know about because if that buffer ... if they rezone it that buffer line will move and it is going to cut right through the middle of what we were proposing to do.*

*At the time we were not aware of anything and then we saw the sign go up for the public hearing on the adjacent lot. We had discussions with Mr. Neighbors, the current owner, and Ben Nelson, who I believe is the current owner of 106. We also came and met with Mr. Heard about what is going to take place.*

*We are concerned that if 108 is rezoned to entirely residential we are not sure that ... we are within our due diligence period on the contract at this point and we are not sure that if we move forward ... in fact we are reluctant to move forward with buying 108 and putting our office building on there because of what it does. I mean it takes a huge portion of that lot and I think the only thing we can put on it, as Mr. Heard pointed out, was maybe a septic field and part of the driveway but no parking and no building can go in there. It substantially limits what we can do. It is not that you could not put a smaller office building somewhere on the lot and*

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*reconfigure everything but one of the considerations with that is do we really want to build a smaller building. And if we do it means taking down a lot of natural topography that is already there. We would like to keep as many trees as possible in there. There is a lot to consider.*

*We talked with Mr. Nelson who owns 106 and he has built essentially a small spec home. It is not quite complete. Initially he had some title insurance issues. They were able to get that resolved so he was able to get title insurance on it. I think the spec home is almost complete and I believe it is even under contract to be purchased by someone.*

*I think the town's intent for why they want to clean this up ... there were two vacant lots and one was split zoned so try and fix it. I understand the purpose behind that but now you have one of the lots as developed and pretty much being sold as residential without a problem. We have a contract on another one where we want to put a commercial building. I think there is more benefit to the town in having the commercial building that we would put there. Putting our business on that lot is more of a benefit than rezoning that split lot to entirely residential and limiting the commercial uses.*

*Mr. Rubino is here and he prepared the feasibility sketch. We ask the board to consider that because we really would like to put our office in Kitty Hawk and put it on that lot and move forward.*

**3. Brian Rubino, Quible and Associates:** *I would like to add that a rezoning to residential of 108 would certainly affect the existing contract that is in place. It may not affect the ability to develop 106 however it would certainly decrease the density and it would not allow Miss Meads and Miss Evans to do what they truly want to do on the lot. I understand the town has been making attempts to fix some of the split zoned areas and if that is necessary would you also consider rezoning it commercial since many times residential is allowed in commercial. Thank you.*

Mayor Perry asked if anyone else wished to speak. Hearing no one he asked for the record to reflect no one else came forward.

**Councilwoman Klutz made a motion to go back in regular session. Councilman Reid seconded and it passed unanimously, 4-0.**

**Reid:** *As Joe explained this is what we call a map cleanup which I think is desirable. Generally speaking it makes it more convenient for planners and the town in terms of management, where the zoning is and those sorts of things. But we have a situation where the residential is developed as residential and it is not necessary to change this zoning in order for him to have that house. It does do damage to the adjacent property which is zoned commercially now and by changing the*

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*zoning it would do further damage by moving that setback. I think for all of those reasons I would like to make a motion to deny the request to change the zoning. Just leave it as it is and move on from there. I do not know if we need a statement about the plan because we are not changing the zoning.*

**Klutz:** *Do we have to do anything? If we do nothing it stays the way it is.*

**Michael:** *I think Joe wrote something for you.*

**Reid:** *He did but I am questioning whether we really need that. If I just make a motion to deny the request ...*

**Mayor Perry:** *We made the request actually. It was to clean up the zoning line which I agree with but I did not know about the circumstances it created so I am in favor of not rezoning it.*

**Councilman Reid made a motion to deny. Councilwoman Klutz seconded the motion.**

**MPT Perry:** *This is the most confusing thing I have dealt with. Steve, can the lines be redrawn in a split zone without proper title? How does that work?*

**Michael:** *There was common ownership of those lots and they did an exempt plat where they re-subdivided. There are still two conforming lots. It did not change anything except the boundary.*

**MPT Perry:** *I will go along with this. I see the problem and I would like to have the office space there. I might need a lawyer and if I have to do much of this I will need a lawyer, but in the future, the two lot owners, if they start selling and trading or whatever they do in the future, will that present problems for them and title companies?*

**Michael:** *No not with the title company. Nothing has changed. The lot where the house is being built is still in the commercial zone.*

**MPT Perry:** *He has a house half in a commercial zone and half in a residential zone.*

**Michael:** *It is a permitted use in the zone.*

**Klutz:** *I went over to the property and the house is almost done. There really is a nice buffer area that almost goes down to the end of the house. It is not like the commercial development is really going to do anything to make that house less desirable in my opinion.*

**A call for the vote to deny was unanimous: 4-0.**

9. PLANNING:

a.) Site Plan Review: Application to construct a second floor addition to the existing Coldwell-Banker Seaside Realty building at 4900 N. Croatan Highway. The proposed addition over the northern portion of the building would expand the existing building by approximately 1,510 square feet for a total of 7,800 square feet of office space on site.

*Heard: This item is a site plan review for a proposed project to add a second floor addition to the existing Coldwell-Banker Seaside Realty building at 4900 North Croatan Highway. The proposed addition would be over the northern portion of the building and is a little over 1,500 square feet in size for the addition. If approved the total amount of office space on the property would be around 7,800 square feet. The intent is to accommodate Seaside Realty's rental and sales division within the same building. Right now they are located in two different areas in town.*

*This property was originally developed back in 1989 and 1990 with a 3500 square foot building to the south and some of you might remember a Domino's Pizza building, 1200 square feet, in the building to the north. They were actually detached buildings at the point. Since the original approval they were combined and more useable space was added on the second floor of the portion of the building to the south. The use itself as an office is a permitted use in the BC-1 Beach Commercial District so there is no issue there. What we are doing tonight is purely a technical review to be assured the property complies with all of the development standards of the town.*

*We took a look at access and the property presently accesses from two different points off of Bennett Street. That access would not change. The biggest change on this would be internally. The traffic circulation within the site now allows a vehicle to go around the building. One of the changes being proposed involves the removal of that. There are benefits to the applicant for this change to allow for the necessary amount of parking spaces and in improving the stormwater management on the property. The biggest concern there deals emergency access and we checked with the fire department and they expressed no concern. They are still able to pull fully in and easily access any side of the building.*

*The next key issue is parking. They are adding a decent amount of additional office space to a site that is presently non-conforming in terms of the amount of parking that exists presently. According to our calculations there would be 32 parking spaces required on site and this proposal has provided 33 spaces two of which are ADA handicapped accessible near the front of the property.*



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*Another change is the removal of the loading zone and the town does not require a loading zone for this type of use at this scale due to the size of the building and the type of use it is but it was a part of the original approval. Secondly, the dumpster area has been removed. They have been using roll carts for trash for quite some time and they would propose to continue using roll carts to serve their office operation. They do not have a particular need for dumpsters. Those are two other changes that would be proposed as part of this.*

*As far as the Land Use Plan it is not something the council is required to consider as part of a site plan approval. However the planning board in their review noted they believe the proposed expansion is consistent with the designation of this property as a commercial shopping/working area in the Land Use Plan and at their meeting on August 15<sup>th</sup> the planning board voted unanimously to recommend approval of this site plan to add the second story.*

**Reid:** *Are there stairs inside the building to get to the second floor or are they only on the outside of the building?*

**Heard:** *The applicant has not submitted floor plans at this time or anything related to the building itself but Mike Robinson the engineer for the project is here and he may be able to answer that question.*

**Mike Robinson, Engineer, representing the applicant:** *Yes. The south part of the building is already two stories and the stairs will connect inside.*

**MPT Perry made a motion to grant approval of the site plan to construct the second floor addition to the existing Coldwell-Banker Seaside Realty building at 40900 North Croatan Highway. Councilman Reid seconded the motion and it passed unanimously, 4-0.**

**b.) Call for Public Hearing. Text Amendment: Application to update the standards of Sections 42-69 through 42-74 (dealing with the Board of Adjustment, appeals, and variances) to comply with the recently adopted N.C. Session Law 2013-126, *An Act to Clarify and Modernize Statutes Regarding Zoning Boards of Adjustment*. A public hearing is requested to be scheduled for the October 7, 2013 Town Council meeting.**

Councilman Reid made a motion to set a public hearing for a text amendment application to update the standards of Section 42-69 through 42-74 dealing with the Board of Adjustment appeals and variances to comply with the recently adopted North Carolina Session Law 2013-126 an Act to Clarify and Modernize Statutes Regarding Zoning Board of Adjustment and a public hearing to be scheduled for the October 7, 2013 council meeting. Councilwoman Klutz seconded and it passed unanimously, 4-0.

**10. NEW BUSINESS**

**a.) Approval of Bid for Hawks Street Floodwater Management System**

Manager Stockton announced a pre-bid conference for the Hawks Street Floodwater Management System was held on August 21<sup>st</sup> and a bid opening was held on August 28<sup>th</sup> for the purpose of installing a sump basin, 280 linear feet of pipe, installing a pump connection assembly, restoring a concrete driveway and the asphalt roadway of NC 12. Bids for the project were opened at 3 p.m. by John DeLucia of Albemarle and Associates and witnessed by him and Town Clerk Lynn Morris. There were 3 bids received and the lowest and best bid was submitted by Enviro-Tech in the amount of \$24,759. Mr. DeLucia recommends the award of the bid to Enviro-Tech and funding for this project will come from the Powell Bill Funds which has a present balance of \$352,642.10.

**Councilwoman Klutz made a motion to approve the bid submitted by Enviro-Tech in the amount \$24,759 for the Hawks Street Floodwater Management system and said funds are to come from the Powell Bill Fund. She further authorized the town manager to sign and the town clerk to attest a contract for this project. MPT Perry seconded the motion and it passed unanimously, 4-0.**

Mr. DeLucia said it should be finished by October 8<sup>th</sup>. They are hoping to issue the Notice to Proceed on Monday. It is going to take about two weeks to get the pipe and material and about a week to do the work.

MPT Perry asked if clarification was ever received about the town needing a permit to pump. Mr. DeLucia answered he has not received a response from the Division of Water Quality but thought George Wood was making some progress.

Manager Stockton added the last couple of situations when asking for a permit the town has been able to secure one without any problems.

**b.) FY 13-14 Budget Amendment #2 for the Hawks Street Floodwater Management System**

**MPT Perry made a motion to approve budget amendment #2 for the Hawks Street Floodwater Management System and added this is a housekeeping item. Councilwoman Klutz provided a second and it passed unanimously, 4-0.**

**11. REPORTS OR GENERAL COMMENTS FROM TOWN MANAGER**

**a.) Clean Water Management Trust Fund Grant Application** – Manager Stockton said an application was sent to the Clean Water Management Trust Fund some time ago for stormwater management improvements. The town has received a letter from them indicating state legislature had decided to shift their programs to the Division of Water Infrastructure and State Water Infrastructure Authority. In order to be considered for a grant an application would need to be resubmitted to the Clean Water State Revolving Fund by today. Having only received this information last week there was not a lot of time to respond and suggested it be reconsidered in the future if council would like to do something.

**b.) Compliment to Police Department** – Manager Stockton said the town received a compliment for the police department from Larry Gray of Gray's Family Department Store. Police Sergeant Brian Strickland made a presentation on shoplifting to approximately 50 employees. Mr. Gray believes it is important for employees to be aware of the growing problem of shoplifting on the Outer Banks.

**c.) Compliments to Public Works Department** – Manager Stockton said he received a compliment on the Recycling Center. Herbert Arzinger wrote in and praised the center and especially the work of Joseph Cornette who provides courteous and helpful service.

Manager Stockton said he also had a compliment on the public works department from Chuck Sowers who lives at 406 North Parker Street. He wrote to thank public works for their quick response to his request to trim trees and vines that were growing over the pavement.

**d.) Compliment to the Planning Department** – Manager Stockton said he received a compliment on the Planning Department. Mr. Valento of 214 West Kitty Hawk Road wrote in and complimented Donna Heffernan for her assistance in providing him with flood information.

**e.) Status of Establishing Municipal Service Districts and Beach Nourishment** – Manager Stockton said the last item he wanted to mention is about the attempt to establish the municipal service districts for beach nourishment. Staff was ready to suggest dates for a public hearing on the MSD's but there is a meeting with county officials and their financial consultant tomorrow and thinks it is prudent to wait until after that meeting.

**12. REPORTS OR GENERAL COMMENTS FROM TOWN ATTORNEY**

Attorney Michael did not have any comments.

**13. REPORTS OR GENERAL COMMENTS FROM TOWN COUNCIL**

There were no comments from council.

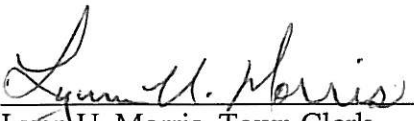
**14. PUBLIC COMMENT**


There were no public comments.

**15. ADJOURN**

MPT Perry made a motion to adjourn. It was seconded by Councilwoman Klutz and passed unanimously, 4-0. Time was 7:54 p.m.

These minutes were approved at the *October 7, 2013* council meeting.

  
Lynn U. Morris, Town Clerk

  
Clifton G. Perry, Mayor